

and 26. Reconsideration and allowance of all pending claims is respectfully requested in light of the following comments.

All of the pending claims are directed to a method of acquiring information about a location at which desired services or information can be obtained and begin with the step of "selecting a telephone number corresponding to a known location." The claims also require "displaying the selected locations in order of distance between the known location and the selected location."

The Examiner recognizes that Monberg does not teach the step of selecting a telephone number corresponding to a known location. The method and system claimed by Monberg also does not display locations in order of distance from the selected location.

Monberg's claimed invention concerns a concerns a computer system and method which enables merchants that are located outside a geographical boundary but offer services within that geographical boundary to be included in search results for a service provider within that boundary. The reference teaches, for example, that a business in Maryland that services customers in Virginia would be "tagged" with the ZIP codes in Virginia to cover areas in Virginia where service is provided. Monberg uses ZIP codes as the criterion for defining search boundaries. Monberg also uses tags to make businesses servicing areas outside of the ZIP ode in which they are physically located. At column 2, lines 9-16 Monberg says:

In addition, the system permits the merchant to be included in a result set for a proximity query, despite the merchant's place of business

being located outside the boundaries of the proximity query. To this end, a schema is defined for a requesting merchant ("regional service merchants") that associates the regional service merchant with additional location bindings (e.g. ZIP codes) in which the regional service merchant provides service.

Furthermore, Monberg teaches, "For a proximity search, listings for regional service merchants may be returned in response to a request made within a ZIP code that corresponds to the starting point of the proximity search. Since distance from a starting point is not a factor for regional service merchant that may be added as desired to give meaningful results to the user." Monberg also says at column 1, lines 30-34, that "If the user enters a ZIP code for the location a single address may be used for the ZIP code such as a central location within the ZIP code, the location of post office within the ZIP code or midpoint between multiple post offices." Thus, two locations within the same ZIP code would be identified as having the same location. Accordingly, it is impossible using ZIP code to create a list of businesses in order of distance from a selected location. Thus, Monberg's teaching for his type of search in which one is looking for service providers, is that distance is not a factor, but simply availability within the service region.

If a proximity search is truly based on distance, one does not need glyphs and text (or tag) as taught by Monberg. Moreover, the schema of Monberg does not store coordinates of the businesses. When Monberg says one can enter an "address or a zip code or coordinates", it is in this context. Each of these will get translated to a source zip code and a proximity search is then performed. Monberg states clearly "Since **distance**

from the starting point is not a factor for regional service merchants, they may be added [to the search results] as desired to give meaningful results to the user." Col. 2, lines 35-37. He "expects" people to know the distance and which one is closer, because they live in that area. Hence, "proximity" is used by Monberg in a very general sense of "nearby" and not with distance in mind. For that reason, the pending claims which require "displaying the selected locations in order of distance between the known location and the selected location." are very different from the method disclosed and claimed by Monberg.

Applicant recognizes that the Examiner is relying primarily on the disclosure in the first two paragraphs of the "Background of the Invention" section of the Monberg patent. In the first paragraph Monberg described a search using an Internet yellow pages directory to find a business in a particular region such as a ZIP code defined region, a city or a state. In the second paragraph Monberg describes "Another search [that] may be directed to businesses located closest to a particular proximity, which he calls a proximity search.

Monberg says that in this proximity search the search query may defined by a latitude and longitude on a map or a user may enter an address or ZIP code. Thus, Monberg's teaching about this proximity search is that one enter a physical location in terms of address, ZIP code or latitude and longitude. This search is different from the search claimed by Monberg that relies upon ZIP codes and uses the word "proximity" in the context of locating businesses in a ZIP code. But, the two searches are similar in that

they both are initiated by entering a physical location identified a ZIP code, but do not use a telephone number.

Furthermore, it is significant that Monberg identifies the proximity search as "another search" different from an Internet yellow pages search in which a telephone number is used. (Column 1, lines 22-23). Thus, the teaching of Monberg is that proximity searches are to be done by entering locations and can provide distances, whereas yellow pages searches are used to identify businesses within a particular region and do not provide distances.

The reverse phone directory disclosed in Reversephone is simply a tool that allows one to associate phone number, address and name one with the other. This directory gives the user the opportunity to find an address corresponding to a phone number or a name corresponding to a phone number or a phone number corresponding to an address or a name corresponding to an address. Reversephone is the Internet yellow pages search disclosed by Monberg, which he considers to be different from a proximity search. There is no disclosure in the Reversephone reference of any type of search which would associate one location with another.

Because Reversephone is used for an entirely different purpose than the proximity search disclosed by Monberg, one skilled in the art would not be lead to consider Reversephone when desiring to make a proximity search. It was applicant that recognized a telephone number could be a location and could be used in a proximity search. What the Examiner has done in rejecting the pending claims is to use Applicant's teaching to find Reversephone and then apply it to a proximity search in which

geographic location was required to initiate the search. However, it is wrong to use applicant's disclosure as a guide through prior art references, combining the right references in the right way so as to achieve results of the claims in issue. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness. Orthopedic Equipment Co., Inc. et al. v. United States, 702 Fed. Cir. 1005, 1012, 217 USPQ 193, 199 (Fed. Cir. 1983)

Because it is only by using Applicant's teachings that one skilled in the art would be lead to combine Reversephone with Monberg, the rejection under Section 103 has been made using impermissible hindsight.

None of the other references cited by the Examiner teach or suggest the use of telephone numbers in conducting proximity searches. DeLorme does not utilize telephone numbers for identifying places of interest. Rather DeLorme teaches only that a telephone number can be used to find more information about a point of interest that has been identified and is associated with that telephone number. Second, DeLorme is not concerned with searching for several points of interest that are near a known location. Rather, DeLorme is concerned with placing selected points of interest on a route map. One skilled in the art looking to design a method for acquiring information about several locations near a known location is not likely to consider a computer aided routing system which plots a path between two points. Therefore, DeLorme is non-analogous art which cannot properly be combined with Monberg.

Schultz et al. disclose a search engine that not only provides name, address and telephone number of a business but also will provide advertising for the business. The

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invention is a expanded Internet yellow pages. The reference is not concerned with distances between a selected location and any other locations. Consequently, one skilled in the art looking to design a proximity search is unlikely to consider this reference.

For the foregoing reasons, all of the pending claims are patentable over the prior art. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn J. Alstadt", written over the printed name.

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